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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION

Rudolph Williams

Civil Action No. 6:05-1481

versus

Judge Tucker L. Melançon

Warden, Allen Correctional Ctr.

Magistrate Judge Mildred E. Methvin

**ORDER**

Before the court is Rudolph Williams, *pro se*, who has requested that this Court grant him permission to proceed *in forma pauperis* on appeal [Rec. Doc. 9]. Williams seeks to appeal the judgment of this Court denying his petition for writ of *habeas corpus* [Rec. Doc. 7]. For the following reasons, the Court finds that Williams' application for *pauper* status is deficient; however, petitioner will be allowed thirty (30) days to cure the deficiency.

On August 17, 2005, petitioner filed his petition for writ of habeas corpus [Rec. Doc. 1]. Upon review of the petition, United States Magistrate Judge Robert H. Shemwell found the suit was not in proper form because petitioner had failed to submit either the \$5.00 to file his complaint or a completed application to proceed *in forma pauperis* [Rec. Doc. 3]. Petitioner was allowed thirty days to submit either the completed application or the \$5.00 filing fee [Id.]. On September 12, 2005, petitioner paid the \$5.00 fee rather than submitting the IFP form.

Subsequently, on November 30, 2005, the Court entered its judgment, adopting Magistrate Judge Mildred E. Methvin's Report and Recommendation that petitioner's petition is time barred [Rec. Doc. 6]. Petitioner filed a Notice of Appeal [Rec. Doc. 7] and a Motion to Proceed In Forma Pauperis [Rec. Doc. 9].

On January 18, 2006, the Court entered an order finding that petitioner had failed to submit a complete application to proceed *in forma pauperis* [Rec. Doc. 12] and notifying petitioner that the following three documents are required under 28 U.S.C. § 1915:

1. An affidavit that includes a statement of all assets he possesses; and
2. A certified copy of his prison account statement for the last six months, obtained from the appropriate official at the prison or correctional facility; and
3. A signed form authorizing the institution of incarceration to forward from his account to the Clerk of Court any partial filing fee assessed by the Court and to forward monthly payments thereafter of 20 percent of the prisoner's preceding month's income credited to his prison account until the full amount of the filing fee is paid.

On February 17, 2006, petitioner filed a Request for A Certificate of Appealability, or, in the Alternative, Notice of Appeal with Continued IFP Status [Rec. Doc. 14]. Petitioner requested an order granting him permission to proceed with continuing *in forma pauperis* status "based on this Court's prior approval" [Plaintiff's Request for Continued IFP Status, Rec. Doc. 14].

On May 31, 2006, the Court entered an order notifying Petitioner that, although he submitted a certificate from the Allen Correctional Center, showing that he maintained an average balance of \$25.77 and that his average monthly deposits were \$53.33; petitioner failed to submit a completed *Affidavit to Proceed In Forma Pauperis* nor did he execute the required authorization as directed. Accordingly, the Court entered an order requiring that petitioner fully comply with the Court's order of January 18, 2006 within twenty days of the date.

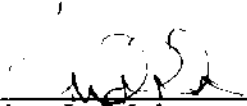
Petitioner has failed to comply with the Court's Order. As stated above, petitioner has never submitted a completed IFP application and has never been granted *pauper* status by the Court. Therefore, petitioner is not entitled to proceed on appeal *in forma pauperis* without further authorization as provided by Rule 24 of the Federal Rules of Appellate Procedure. Accordingly,

IT IS HEREBY ORDERED that petitioner shall file a completed *in forma pauperis* application provided with this Order within thirty days or pay the applicable filing fee.

IT IS FURTHER ORDERED that the Clerk of court shall provide to Petitioner the necessary IFP form.


**PETITIONER IS NOTIFIED THAT FAILURE TO COMPLY WITH THIS ORDER WILL RESULT IN DISMISSAL OF PETITIONER'S APPEAL.**

Thus done and signed at Lafayette, Louisiana this 12th day of July, 2006.

  
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Tucker L. Melançon  
United States District Judge

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DATE 7-12-06

BY 

TO William W. IFP Application